

Rec'd UPTO 26 SEP 2005

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER
7431P001

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
10/526,727

INTERNATIONAL APPLICATION NO.
PCT/EP2003/009290

INTERNATIONAL FILING DATE
21 August 2003

PRIORITY DATE CLAIMED
3 September 2002

TITLE OF INVENTION

DEVICE FOR REPELLING INSECTS MOVING ALONG THE GROUND

APPLICANT(S) FOR DO/EO/US

Walter Pollmann

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4)).
20. ☒ Other items or information.

Response to Notification of Missing Requirements; copy of Notification of Missing Requirements; return receipt
postcard.

| | | | | | |
|--|--|---|--|---|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="text-align: center;">10/526,727</div> | | INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/EP2003/009290</div> | | ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">7431P001</div> | |
|--|--|---|--|---|--|

| | | | | | |
|---|---|---|-------------------------------|-------------------------------------|--------|
| The following fees have been submitted | | | | CALCULATIONS PTO USE ONLY | |
| 21. | <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) | | \$300 | \$ | |
| 22. | <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) | | | | |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4) | | | | \$0 | |
| All other situations | | | | \$200 | |
| 23. | <input type="checkbox"/> Search fee (37 CFR 1.492(b)) | | | | |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4)..... | | | | \$0 | |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority | | | | \$100 | |
| International Search Report Prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB | | | | \$400 | |
| All other situations | | | | \$500 | |
| TOTAL OF 21, 22 and 23 = | | | | \$ | |
| Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| - 100 = | -71 / 50 = | | x | \$ | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$ | 130.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 26 - 20 = | 0 | x 50 | \$ | 0.00 |
| Independent claims | 1 - 3 = | 0 | x 200 | \$ | 0.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + 360 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | 130.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees are reduced by 1/2. | | | | \$ | 130.00 |
| SUBTOTAL = | | | | \$ | 65.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/> | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | 65.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | \$ | |
| Other fee (specify): | | | | | |
| TOTAL FEES ENCLOSED = | | | | \$ | 65.00 |
| Amount to be refunded: | | | | | \$ |
| charged: | | | | | \$ |
| a. <input checked="" type="checkbox"/> A check(s) in the amount of \$ <u>65.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-2666</u> in the amount of \$ <u>65.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2666</u> . A duplicate copy of this sheet is enclosed. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status. | | | | | |
| September 22, 2005 DATE | | | SIGNATURE | | |
| SEND ALL CORRESPONDENCE TO: Blakely, Sokoloff, Taylor & Zafman LLP 12400 Wilshire Boulevard, 7th Floor Los Angeles, CA 90025 Telephone: (408) 720-8300 | | | Stephen M. De Klerk NAME | | |
| | | | 46,503 REGISTRATION NUMBER | | |

REC-10

26 SEP 2005

Attorney's Docket No.: 007431.P001

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
FILING UNDER 35 U.S.C. § 371

| | | |
|-----------------------------------|---|----------------------------|
| In re Patent Application of: |) | |
| |) | |
| Walter Pollmann |) | |
| |) | Examiner: Not Yet Assigned |
| Application No.: 10/526,727 |) | |
| |) | Art Unit: Not Yet Assigned |
| Filed: March 3, 2005 |) | |
| |) | |
| For: DEVICE FOR REPELLING INSECTS |) | |
| MOVING ALONG THE GROUND |) | |
| _____ |) | |

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Dear Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. §
371 in the United States Designated/Elected Office (DO/EO/US) mailed on
July 22, 2005, please find enclosed:

- (1) The Declaration and Power of Attorney executed by the inventor in
compliance with 37 CFR § 1.497(a) and (b);
- (2) A check in the amount of \$65.00 in payment of the surcharge of 37
C.F.R. § 1.492(e) (late oath or declaration) (small entity fee);

(3) A copy of the Notification Of Missing Requirements Under 35 U.S.C.
§ 371 in the United States Designated/Elected Office (DO/EO/US).

If any additional fee is required, please charge Deposit Account No.
02-2666. A duplicate of this Response is enclosed for deposit account charging
purposes.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Dated: September 22, 2005



Stephen M. De Klerk
Reg. No. 46,503

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300

First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service
as first-class mail with sufficient postage in an envelope addressed to the Commissioner for
Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

September 22, 2005

Date of Deposit

Linda K. Brost

Name of Person Mailing Correspondence



Signature



Date

SMD

Walter Pollman



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/526,727 | Walter Pollmann | 7431P001 |

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/EP03/09290 | |
| LA. FILING DATE | PRIORITY DATE |
| 08/21/2003 | 09/03/2002 |

Blakely Sokoloff Taylor & Zafman
 12400 Wilshire Boulevard
 7th Floor
 Los Angeles, CA 90025

RECEIVED

JUL 25 2005

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
 LOS ANGELES

CONFIRMATION NO. 1107

371 FORMALITIES LETTER



OC000000016580046

Date Mailed: 07/22/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/03/2005
- Copy of the International Search Report filed on 03/03/2005
- Preliminary Amendments filed on 03/03/2005
- Information Disclosure Statements filed on 03/03/2005
- U.S. Basic National Fees filed on 03/03/2005
- Priority Documents filed on 03/03/2005

ENTERED

JUL 25 2005

STATUS DB-LA

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/526,727 | PCT/EP03/09290 | 7431P001 |

FORM PCT/DO/EO/905 (371 Formalities Notice)